

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

**RUPERTO VALLE-PORCALLO,
#50112-279,**

Petitioner,

v.

K. DIXON,

Respondent.

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3:12-CV-0980-M-BK

**ORDER ACCEPTING FINDINGS, CONCLUSIONS AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

The United States Magistrate Judge made Findings, Conclusions and a Recommendation in this case. No objections were filed. The District Court reviewed the proposed findings, conclusions and recommendation for plain error. Finding none, the Court **ACCEPTS** the Findings, Conclusions and Recommendation of the United States Magistrate Judge.

Because Petitioner filed his petition under 28 U.S.C. § 2241, he is not required to obtain a certificate of appealability to proceed on appeal. *Padilla v. United States*, 416 F.3d 424, 425 (5th Cir. 2005) (*per curiam*). However, the Court **CERTIFIES** that any appeal of this action would not be taken in good faith. *See* 28 U.S.C. § 1915(a)(3). In support of this finding, the Court adopts and incorporates by reference the Magistrate Judge's Findings, Conclusions and Recommendation. *See Baugh v. Taylor*, 117 F.3d 197, 202 n.21 (5th Cir. 1997). Based on the Findings and Recommendation, the Court finds that any appeal of this action would present no legal point of arguable merit and would, therefore, be frivolous. *Howard v. King*, 707 F.2d 215,

220 (5th Cir. 1983).

SO ORDERED this 31st day of May, 2012.

A handwritten signature in black ink, reading "Barbara M. G. Lynn". The signature is written in a cursive style with a large initial "B".

BARBARA M. G. LYNN
UNITED STATES DISTRICT JUDGE
NORTHERN DISTRICT OF TEXAS